

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:04CV67-3-MU**

**CHARLES M. CASSELL III,** )  
 )  
 **Petitioner,** )  
 )  
 **v.** )  
 )  
 **SIDNEY HARKLEROAD, et. al.,** )  
 )  
 **Respondent.** )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court upon Petitioner’s “Motion for Ruling and Decision of Issuance of Habeas” (Document Number 18); “Motion to Issue Habeas Corpus” (Document Number 15) and “Motion to Issue Habeas Corpus” (Document Number 16). For the reasons states herein Petitioner’s motions are denied.

Petitioner filed a Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 on May 25, 2004. Respondent filed an Answer and Motion for Summary Judgment on June 18, 2004 and Petitioner filed a response to Respondent’s Motion for Summary Judgment on July 14, 2004.

Petitioner’s case is one of hundreds which currently are pending before the Court and Petitioner’s case is not the oldest. Consequently, there are many other cases which also require the Court’s attention. The Court will advise all parties when a decision is reached in this case. Further, should any additional information be needed from Petitioner or the government’s attorney, the Court will advise of that matter. Petitioner is advised that unless the Court specifically asks for additional information, he should not file any further motions.

**ORDER**

**NOW, THEREFORE, IT IS HEREBY ORDERED** that Petitioner's Motions to Issue Habeas are Denied. (Document Numbers 15, 16 and 18.)

**Signed: September 29, 2005**

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
Chief United States District Judge

